

DOE/RFJ
CORRESPONDENCE
COMING LETTER

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SON, R.M.	
OLE, R.H.	
OP, M.L.	
INARD, B.	
NOE, G.R.	
TMAN, J.	X
LL, K.	
OL, M.S.	
BRIDE, M.H.	
GENT, D.	
HERILL, U.F.	
MS, J.J.	
ERSON, T.W.	
UN, R.L.	
Y, G.G.	
EMAN, R.B.	
ERNIER, R.J.	
KHART, F.R.	X
OW, T.E.	
NGER, S.	
SK, W.C.	
SCITTO, D.G.	
HASSBURGER	X
AKKEN, K.T.	
ETHEL, T.	
AGREAVES, M.	
KS, D.R.	
FFMAN, G.N.	
ILCHESKI, D.	
COORMICK, M.S.	
LLER, H.G.	
MEYER, R.M.	
WITSCH, E.	
SLUSZNY, J.	
MPE, J.	
ECE, J.	
EDWARD, J.D.	
INDERPUY, M.	
ALLIN, B.	

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Roy Romer
Governor

Patricia A. Nolan, M.
Executive Director

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COLORADO DEPARTMENT OF HEALTH
Dedicated to protecting and improving the health and
environment of the people of Colorado

4300 Cherry Creek Dr. S. Laboratory Building
Denver, Colorado 80222-1530 4210 E. 11th Avenue
Phone (303) 692-2000 Denver, Colorado 80220-3716
(303) 691-4700

August 6, 1993

Mr. Richard J. Schassburger
U. S. Department of Energy
Rocky Flats Office, Bldg 116
P.O. Box 928
Golden, Colorado 80402-0928

RE: OU 4 Dispute Resolution

Dear Mr. Schassburger,

The Colorado Department of Health, Hazardous Materials and Waste Management Division (the Division), has reviewed your August 4, 1993 correspondence (93-DOE-09082) regarding further DOE proposals on streamlining the OU 4 schedules and requirements as part of the effort to resolve the OU 4 dispute. Although informal dispute resolution efforts can not continue indefinitely, extensive staff resources have already been expended on this dispute and substantial progress has been made toward resolution. Therefore, the Division, with concurrence from EPA, is willing to extend the informal dispute resolution discussions one additional week, or until August 11, 1993. We would like to schedule a meeting on either August 9 or 10, 1993 for the parties to finalize the informal resolution efforts. If we can reach agreement on a dispute resolution process, that process will carry forward to resolution on or about September 21, 1993. If we can not reach agreement, we can begin drafting our statement of dispute for the Dispute Resolution Committee (DRC).

The Division agrees that a small amount of additional schedule consolidation involving the Phase II RFI/RI Workplan could potentially occur and still meet the requirements of both RCRA and CERCLA. We would propose that the parties evaluate the scope of the Phase II RFI/RI Workplan. This would be done with the intent that, if the scope can be sufficiently limited and still meet IAG requirements, the Phase II RFI/RI Workplan tasks could be included in the Phase I IM/IRA and the Workplan would no longer be considered a separate deliverable with associated milestones.

With regard to the remainder of the OU 4 schedule, we believe it is premature to make further consolidation efforts at this time. While

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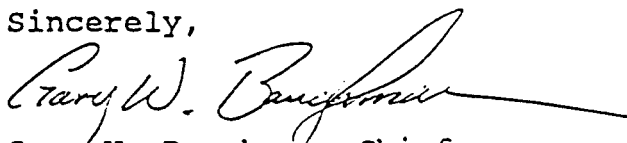
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extensive ground water characterization data currently exists, Phase I efforts have not focused on, and therefore not completed, evaluation of this data. It is not possible to present, at this point, a comprehensive and complete picture of the vertical and horizontal extent of ground water contamination. More importantly, characterization of the direction, rate, and mechanism of ground water movement have not been defined, particularly in bedrock. Therefore, statements on the effectiveness of the ITS are very premature and complete pathways to receptors remain unevaluated. When work on these remaining issues is complete, it is very possible that further schedule consolidation will be possible. At that point, however, we can make educated, technically defensible decisions on the scope of (or need for) further action and feasibility studies which cannot be made now.

We very much want to achieve a "success orientation" rather than failure and rework orientation. We believe that our proposals on this dispute have definitely moved OU 4 towards DOE success, a rare commodity on OU 4 to date. However, with existing information, there are certain decisions regarding the remainder of the OU 4 schedule that can not yet be made. Forcing ourselves to make these decisions prematurely will again guarantee failure and rework, wasting more valuable resources and taxpayer dollars. We are committed to action, but only when we are ready to act. The OU 4 track record already includes many examples of premature action.

We strongly urge DOE to accept this expanded proposal for resolution of the OU 4 dispute. As we have stated before, we encourage further discussions on schedule consolidation for this and other OUs, but outside of this dispute and when appropriate. If you have any questions on these matters, please call Harlen Ainscough of my staff at 692-3337.

Sincerely,



Gary W. Baughman, Chief
Facilities Section
Hazardous Waste Control Program

cc: Dan Miller, AGO
Joan Sowinski, CDH-HMWMD-HWC
Martin Hestmark, EPA
Frazer Lockhart, DOE
~~Jim Hartman~~, DOE
Steve Keith, EG&G
Jackie Berardini, CDH-OE